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PATENT

#13

In re application of: Xina Nair, et al

Serial No.: 07/554,904

Group No.: 125

Filed: 07/24/90

Examiner: A. Hulina

For: SYNERGISTIC SKIN DEPIGMENTATION COMPOSITION

Commissioner of Patents and Trademarks
Washington, D.C. 20231

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SEP 28 1992

OFFICE OF PETITIONS
A/C PATENTS

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

NOTE: A terminal disclaimer **should not** accompany a petition based on unintentional abandonment. Notice of July 9, 1985 (1056 O.G. 60-61).

NOTE: An application abandoned under 37 CFR 1.53(d) for failure to timely provide the appropriate filing fee, oath or declaration and/or surcharge may **not** be revived under the procedure of 37 CFR 1.137(b).

1. This application became abandoned on 12-13-91

NOTE: Extensions under 37 CFR 1.136 are available only if asked for "prior to or with the response." Accordingly, if the question of abandonment arises when the provisions of § 1.136 can no longer be used then the application is abandoned when the unextended time for response expired. Therefore, no extension fees are due on a petition for revival.

2. This petition is filed:

☒ within one year of the date of abandonment.

NOTE: Under very limited conditions a petition to revive for unintentional abandonment may exceed the one year limit when abandonment is due to action or inaction by the applicant and the PTO performs a positive documented official act which could lead a reasonable individual to conclude that the action or inaction was appropriate. Notice of August 26, 1985 (1059 O.G. 4).

☐ within three months of the date of the first decision on a petition to revive under 37 CFR 1.137(a) which was filed within one year of the date of abandonment.

(check next box if applicable)

☐ the three month period has been extended up to

NOTE: The non-statutory three month period may be extended up to four months if a petition for an extension of time and the fee set in 37 CFR 1.17(a) to (d) are filed with or prior to this petition.

CERTIFICATE OF MAILING (37 CFR 1.8a)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Elaine M. Mennillo

(Type or print name of person mailing paper)

Date: September 10, 1992

Elaine M. Mennillo
(Signature of person mailing paper)

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3. This application became abandoned unintentionally.

4. Proposed response

- ☐ has been filed.
☒ is attached.

(complete the following if applicable)

NOTE: The PTO accepts the filing of a continuing application as a response under 37 CFR 1.137. To facilitate processing in such a case the petition to revive should specifically refer to the filing of a continuing application and also include an express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application. Notice of May 13, 1983, 1031 O.G. 11-12.

- ☐ the response is the filing of a continuation application having an express abandonment conditioned on the granting of a filing date to the continuing application copending with this application.

5. Fee 37 CFR 1.17(m)

Application status is:

- ☐ small business entity—fee \$565.00
☐ verified statement attached
☐ verified statement filed
☒ other than small entity—fee \$1,130.00

6. Payment of fee:

- ☐ Enclosed please find check for \$ 1,050.00.
☐ Charge Account _____ for any additional fee required.
☒ Charge Account 02-3850 the sum of \$ 1,050.00. A duplicate of this petition is attached.

7. Verification:

NOTE: The statement that the abandonment was unintentional must be a verified statement if made by a person not registered to practice before the PTO. 37 CFR 1.137. Check the next box if this is the case.

☐ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: September 10, 1992

Sandra M. Nolan
 (Signature of person making statement
 that abandonment was unintentional)

Reg. No. 29,759
 Phone: 203/284-6142

Sandra M. Nolan
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 statement) BRISTOL-MYERS SQUIBB CO.
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 P.O. Box 5100
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 Wallingford, CT 06492-7660

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